

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES MAZZAMUTO,  
Plaintiff,

No. C 10-02851 WHA

v.

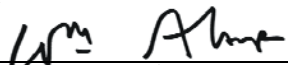
**ORDER DISMISSING CASE FOR  
FAILURE TO PROSECUTE**

WACHOVIA, NDEX WEST, LLC, and  
DOES 1 to 10, inclusive,  
Defendants.

Following re-assignment of this action to the undersigned judge, defendant Wachovia Mortgage (sued herein as “Wachovia”), a division of Wells Fargo Bank, N.A., re-noticed a motion to dismiss and motion to strike for a hearing on September 23 (Dkt. No. 12). The motions and re-noticed hearing date were all properly served on plaintiff’s counsel of record (Dkt. Nos. 5, 6, 13). Under the civil local rules, plaintiff was required to file opposition briefs to the pending motions by September 2. No opposition briefs were filed. On September 3, plaintiff was ordered to show cause why the action should not be dismissed for failure to prosecute. No response to the order to show cause was filed. Since plaintiff — after being clearly warned that dismissal was imminent — has failed to respond to court orders or file an opposition to the pending motion to dismiss, this action is **DISMISSED** for failure to prosecute. **THE CLERK SHALL CLOSE THE FILE.**

**IT IS SO ORDERED.**

Dated: September 15, 2010.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE